

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**IVAN RAMOS,**

**Plaintiff,**

**v.**

**6:16-CV-1312  
(FJS/TWD)**

**CARL J. RUST, Amsterdam Police Department,**

**Defendant.**

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**APPEARANCES**

**IVAN RAMOS**

**12-B-2475**

Green Haven Correctional Facility

P.O. Box 4000

Stormville, New York 12582

Plaintiff *pro se*

**ORDER**

Plaintiff commenced this action against Defendant Rust, a Sergeant with the Amsterdam Police Department, pursuant to 42 U.S.C. § 1983. *See* Dkt. No. 1.

On December 8, 2016, Magistrate Judge Dancks issued an Order and Report-Recommendation, in which she, among other things, recommended that this Court dismiss Plaintiff's complaint without prejudice and with leave to amend. *See* Dkt. No. 8 at 6.

Although Plaintiff did not file any objections to Magistrate Judge Dancks' recommendations, he did file an amended complaint. *See* Dkt. No. 11.<sup>1</sup>

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<sup>1</sup> Plaintiff may have filed his amended complaint based on his conclusion that, in order to comply with Magistrate Judge Dancks' Order and Report-Recommendation, he needed to do so. In any event, Plaintiff had a right to file said amended complaint pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' December 8, 2016 Order and Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby


**ORDERS** that Magistrate Judge Dancks' December 8, 2016 Order and Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court hereby

**ORDERS** that Plaintiff's amended complaint, *see* Dkt. No. 11, is **REFERRED** to Magistrate Judge Dancks for review; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: February 2, 2017  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge